

REMARKS

Reconsideration of this application, based on this amendment and these following remarks, is respectfully requested.

Claims 18 through 27 are now in this case. Claims 19 through 27 are added to more completely cover all aspects of Applicants' invention.

The specification is amended to provide a written description, in this specification, of certain elements that are recited in the claims being added into this application. The amendment to the specification does not present new matter, however, as the particular construction and configuration of the transceivers, both at the Central Office and at the Customer Premises, is contained within one of the documents incorporated by reference into this application at the time of its filing. Specifically, the matter that is inserted into this specification is present in U.S. Patent No. 5,479,447¹, which is expressly incorporated by reference into the specification of this application.²

Entry of this amendment to the specification of this application is respectfully requested.

Claim 18 was rejected, under the nonstatutory double patenting doctrine, as not patentably distinct from claims in U.S. Patent No. 5,627,863.

A disclaimer of the terminal portion of any patent issuing from this application, beyond the expiration of U.S. Patent No. 5,627,863 and of any term beyond such date as these two properties are commonly owned, is enclosed with this response. As suggested in the Office Action³, this terminal disclaimer overcomes this rejection of claim 18.

Acceptance of this terminal disclaimer, and withdrawal of the double patenting rejection of claim 18, are respectfully requested.

¹ See U.S. Patent No. 5,479,447, at column 2, lines 36 through 42, and Figure 5a.

² See specification of S.N. 10/074,942, at page 1, lines 8 through 12, and as amended.

³ Office Action of June 9, 2004, page 2.

Claim 19 further recites, relative to claim 18 upon which it depends, that the receiver is included within a Customer Premises transceiver, and claim 20 further recites, relative to claim 18 upon which it also depends, that the receiver is included within a Central Office transceiver. Support for these new claims is provided in the specification of this application, in the paragraph beginning at line 15 of page 4, as amended in this paper to include subject matter from U.S. Patent No. 5,479,447⁴, which is expressly incorporated by reference into the specification of this application.⁵ Applicants respectfully submit that no new matter is presented by these new claims 19 and 20.

New claim 21 further recites, relative to claim 18 upon which it depends, that the receiver further comprise a weighting multiplier, for applying weighting coefficients to complex amplitudes of a synchronizing frame, with the weighting coefficient being according to whether the complex amplitude is associated with a tone that contributes to the correlation. Claims 22 and 23 further require, relative to claim 21 upon which they depend, that the weighting coefficients are zero for tones that do not contribute to the correlation (claim 22) and one for tones that do contribute to the correlation (claim 23). Support for new claims 21 through 23 is clearly provided in the specification,⁶ and therefore no new matter is presented by these new claims 21 through 23.

New independent claim 24 is directed to a transceiver comprising a hybrid circuit, a DMT transmitter, and a DMT receiver, with the DMT receiver comprising the elements substantially as recited in claim 18. Support for those elements of this new claim 24 that do not appear in claim 18 may be found in the specification of this application, in the paragraph beginning at line 15 of page 4, as amended in this paper to include subject matter from U.S. Patent No. 5,479,447⁷, which is expressly incorporated by reference into the specification of this application.⁸ No new matter is therefore presented by this new independent claim 24.

⁴ See U.S. Patent No. 5,479,447, at column 2, lines 36 through 42, and Figure 5a.

⁵ See specification of S.N. 10/074,942, at page 1, lines 8 through 12, and as amended.

⁶ Specification, *supra*, page 9, line 31 through page 10, line 21.

⁷ See U.S. Patent No. 5,479,447, at column 2, lines 36 through 42, and Figure 5a.

⁸ See specification of S.N. 10/074,942, at page 1, lines 8 through 12, and as amended.

New claim 25 further requires, relative to claim 24 upon which it depends, that the DMT signal received and transmitted by the transceiver are at different bit rates. This new claim 25 is clearly supported by the specification of this application.⁹ Applicants therefore respectfully submit that no new matter is presented by new claim 25.

New claims 26 and 27 further require, relative to claim 24 upon which they depend, that the receiver is included within a Customer Premises transceiver or a Central Office transceiver, respectively. As discussed above relative to claims 19 and 20, the paragraph beginning at line 15 of page 4, as amended in this paper to include subject matter from U.S. Patent No. 5,479,447¹⁰, which is expressly incorporated by reference into the specification of this application,¹¹ of the specification of this application clearly supports these new claims. Applicants respectfully submit that no new matter is presented by these new claims 26 and 27.

Applicants further respectfully submit that all of new claims 19 through 27 are patentably distinct over the prior art of record in this application, consistent with the finding by the Examiner in this regard relative to claim 18.

Applicants also wish to bring the information listed on the enclosed PTO/SB/08A to the attention of the Patent and Trademark Office in connection with this application. The listed references were each applied against certain claims in an Office Action mailed August 24, 2004 in the *Ex Parte* Reexamination¹² of U.S. Patent No. 5,901,180, which is a patent claiming priority of the grandparent application to this application.

While this information is being cited after a first Office Action on the merits in this application, this information is cited prior to a final action, allowance, or other close of prosecution of this application. The fee set under 37 C.F.R. §1.17(p) is paid by way of the enclosed Fee Transmittal. Applicants therefore submit that this information is timely cited.¹³

⁹ Specification, *supra*, page 4, lines 23 through 25, as amended.

¹⁰ See U.S. Patent No. 5,479,447, at column 2, lines 36 through 42, and Figure 5a.

¹¹ See specification of S.N. 10/074,942, at page 1, lines 8 through 12, and as amended.

¹² Reexamination Control No. 90/006,903

¹³ 37 C.F.R. §1.97(c).

Copies of the references are enclosed. The references are in the English language. As such, no additional statement of relevance is provided in this paper.¹⁴

By citing these references, Applicants do not admit that any of these references is, or is considered to be, material to the patentability of any of the claims of this application.¹⁵

For these reasons, Applicant respectfully submits that all claims now in this case are in condition for allowance. Reconsideration of the above-referenced application is therefore respectfully requested.

Respectfully submitted,



Rodney M. Anderson

Registry No. 31,939

Attorney for Applicants

Anderson, Levine & Lintel, L.L.P.

14785 Preston Road, Suite 650

Dallas, Texas 75254

(972) 664-9554

CERTIFICATE OF MAILING

37 C.F.R. 1.8

The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

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Rodney M. Anderson
Registry No. 31,939

¹⁴ 37 C.F.R. §1.97(3)(i).

¹⁵ 37 C.F.R. §1.97(h).